

REMARKS

Claims 1-14 remain present in this application.

The specification and claims 1 and 7 have been amended, and claims 11-14 have been added. Reconsideration of the application, as amended, is respectfully requested.

The specification stands objected to for certain informalities. In view of the foregoing amendments, in which the term VelcroTM has been utilized with the “TM” symbol and in which the generic phrase “hook and loop fastener” has been used, this objection should be overcome. Reconsideration and withdrawal of any objection to the specification are respectfully requested.

Claim 8 stands rejected under 35 USC 112, second paragraph. This rejection is respectfully traversed.

In view of the foregoing amendments, in which the term Velcro is no longer used in the claim, it is respectfully submitted that the claims particularly point out and distinctly claim the subject matter of the instant invention. Reconsideration and withdrawal of the 35 USC 112 rejection are respectfully requested.

Claims 1-4, 6, 7 and 9 stand rejected under 35 USC 102(b) as being anticipated by Glover, U.S. Patent 6,467,107. This rejection is respectfully traversed.

Claim 5 stands rejected under 35 USC 103 as being unpatentable over Glover. This rejection is respectfully traversed.

Claim 8 stands rejected under 35 USC 103 as being unpatentable over Glover in view of LaMantia, U.S. Patent 5,517,707. This rejection is respectfully traversed.

Claim 10 stands rejected under 35 USC 103 as being unpatentable over Glover. This rejection is respectfully traversed.

The patent to Glover et al. discloses a play yard canopy frame retainer. In Figs. 10 and 16, the canopy cover 82 is disclosed. It will be noted that, at the top of this cover, a vent tower 84 is provided. As seen in Fig. 16, certain legs 131-134 and 127-130 are provided which are affixed to a central support 90. Upper and lower levels are provided by base plate 139 and plate 146. The downwardly extending legs 127-130 are connected to the rods 91-94. This structure including rods 127-130 and 131-134 are for the vent tower 84. The other rods 91-94 somewhat correspond to the connection rods of the present invention. However, their operation with the central hub is different from that of the present invention. The rods 91 and 94 are only pivotable relative to the base plate 139. The ring 137 slides through the openings 138 of rods 91-94 in order to allow pivoting to a position as shown in Fig. 18. This pivoting is opposite that of the present invention, such that the vent tower is enclosed within the upper canopy. Nonetheless, the rods 91-94 only pivot relative to the central structure.

In the present invention, the connection rods have an end which is both slidable towards and away from the central pivot dock as well as pivotable relative to the central pivot dock. This arrangement has been described in the specification of the instant invention. This provides for a relatively simple motion for collapsing the canopy. It can lock into an open or closed position.

As further brought out in dependent claim 4, for example, an elastic element 7 is provided. The dependent claim 11 brings out that this elastic element urges the connection rods away from the central pivot deck. This helps to lock the rods in either an open or closed position. This elastic element is different from the elements 143 and 137 of Glover et al. In particular, the Examiner is alleging that the connection ring 143 and top plate 147 is somehow the elastic member. Nonetheless, these dependent claims should further distinguish the present invention.

Also, the canopies of Glover et al. and the present invention are folded in different directions. As noted above, Fig. 18 of Glover et al. shows that the vent tower is enclosed within the canopy. Dependent claim 12 brings out that the hanging section is enclosed within the connection rods when they are in the folded position. Thus, this brings out the opposite folding arrangement. Dependent claim 13 points out that the hanging section receives the toys and will face the playpen or play pad.

Dependent claim 14 brings out that the central pivot deck is a one level structure. This is unlike the structure of Glover et al., which has a lower base plate 139 and an upper base plate 146.

Nonetheless, it is respectfully submitted that independent claim 1 sets forth a toys bracing bracket which is neither suggested nor rendered obvious by the prior art utilized by the Examiner. The present invention provides for a much simpler structure to construct and to operate. The secondary reference to LaMantia does not overcome these noted deficiencies of the Glover et al. reference. Accordingly, it is respectfully requested that the 35 USC 102(b) and 103 rejections now be reconsidered and withdrawn.

Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

Because the additional prior art cited by the Examiner has been included merely to show the state of the prior art and has not been utilized to reject the claims, no further comments concerning these documents are considered necessary at this time.

In the event that any outstanding matters remain in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

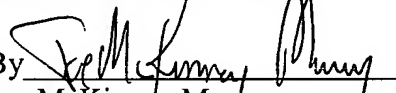
Application No. 10/824,351
Amendment dated September 21, 2005
Reply to Office Action of June 21, 2005

Docket No.: 3313-1165PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: September 21, 2005

Respectfully submitted,

By 

Joe McKinney Muncy

Registration No.: 32,334

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Rd

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant